

## **REMARKS/ARGUMENTS**

In response to the Examiner's first Office Action of February 9, 2006 the Applicant respectfully submits the accompanying Terminal Disclaimer and the below Remarks.

### ***Regarding Double Patenting Rejections***

With respect to the provisional non-statutory double patenting rejections of pending claims 1-20 over claims 1-15 of US Application No. 10/713,075, which has issued as US Patent No. 6,980,323, and claims 1-18 of US Application No. 10/713,080, which has issued as US Patent No. 6,947,173, a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) is being submitted herewith; the present application and US Patent Nos. 6,980,323 and 6,947,173 being commonly owned by the Applicant.

### ***Regarding 35 USC 102(e) Rejections***

The Examiner is respectfully requested to withdraw the 35 USC 102(e) rejections of claims 1-20 over US Application Nos. 10/713,075 and 10/713,080, because neither of US Application Nos. 10/713,075 and 10/713,080 is applicable as prior art under 35 USC 102(e) to the present application for the following reasons.

Firstly, the present application and US Application Nos. 10/713,075 and 10/713,080 all share the same effective US filing date, being the filing date of the parent application, US Application No. 09/607,985, of June 30, 2000.

Secondly, the present application and US Application Nos. 10/713,075 and 10/713,080 all have the same inventive entity, and therefore US Application Nos. 10/713,075 and 10/713,080 do not disclose an invention "by another" as required by 35 USC 102(e).

The Applicant has amended page 1 of the specification to include a paragraph entitled "Cross Reference to Related Applications". The Applicant submits this introduces no new matter.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,  
Applicant:

  
SIMON ROBERT WALMSLEY

Applicant:

  
PAUL LAPSTUN

C/o: Silverbrook Research Pty Ltd  
393 Darling Street  
Balmain NSW 2041, Australia  
Email: [kia.silverbrook@silverbrookresearch.com](mailto:kia.silverbrook@silverbrookresearch.com)  
Telephone: +612 9818 6633  
Facsimile: +61 2 9555 7762